

receiving an information transmission containing ...	For example, at page 470, line 1 through page 471, line 2, page 478, lines 23-26, page 482, line 32 through page 483, line 2, page 484, lines 7-18, page 354 through 390, and page 490, line 23 through page 492, line 19.
programming said receiver station ...	For example, page 484, lines 7-18, page 515, lines 5-9, page 453, line 1 through page 456, line 26.
performing a primary error ...	For example, page 157, lines 2-5
passing information .. to said memory	For example, page 488, lines 24-27
discerning a failure ... transmission	For example, page 515, lines 2-9
executing a predetermined secondary error correction routine ...	For example, page 515, line 1 through page 516, line 13, page 233, line 21 through page 235, line 20 and page 452, line 30 through page 453, line 1.

2. Conclusion

Applicants respectfully submit that claims 5-34 of the subject application particularly point out and claim the subject matter sufficiently for one of ordinary skill in the art to comprehend the bounds of the claimed invention. The test for definiteness of a claim is whether one skilled in the art would understand the bounds of the patent claim when read in light of the specification, and if the claims so read reasonably apprise those skilled in the art of the scope of the invention, no more is required. *Credle v. Bond*, 25 F.3d 1556, 30 U.S.P.Q.2d 1911 (Fed. Cir. 1994). The legal standard for definiteness is whether a claim reasonably apprises those of skill in the art of its scope. *In re Warmerdam*, 33 F.3d 1354, 31 U.S.P.Q.2d 1754 (Fed. Cir. 1994).

Applicants' believe that the above recited remarks are sufficient to overcome the rejections under 35 U.S.C. 112, first paragraph, and respectfully request withdrawal of these rejections. Applicants provide these specific embodiments in support of the pending claims by way of example only. The claims must be read as broadly as is reasonable in light of the specification, and Applicants in no way intend that their

submission of excerpts/examples be construed to unnecessarily restrict the scope of the claimed subject matter.

E. Request for Withdrawal of Finality of Rejection

Claims 5-21 and 23-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca in view of George. That is a new grounds of rejection that the Final Office Action alleges was necessitated by amendment. Applicants respectfully disagree.

In the first Office Action, claims 5-24 were rejected under 35 U.S.C. § 102 over DeLuca. Claim 5 recited the steps of receiving a program, performing a primary error correction routine, passing information contained in the program to memory, discerning a failure, and executing a secondary error correction routine. Claim 22, which depends from claim 5, recited "receiving at least some of said primary error correction routine and said secondary error correction routine from a remote source." Accordingly, the element of receiving processing instructions for an error correction routine was within the scope of the claims of the originally submitted claims.

Claim 5 was amended to recite "receiving an information transmission containing processor instructions and a program; programming said receiver station to perform a predetermined secondary error correction routine in accordance with said processor instruction." That amendment to claim 5 is within the scope of what was claimed in the originally filed claims, particularly in view of the features recites in claim 22, for example. Accordingly, the new grounds of rejection issued in the Final Office Action was not necessitated by amendment. Further, the amendment could not have required further search due to the pendency of claim 22. Applicants therefore respectfully request withdrawal of the finality of the rejections under 35 U.S.C. § 103 raised for the first time in the Final Office Action.

E. Response to Obviousness Rejection of Claims

1. 35 U.S.C. § 103 (a) Rejection over DeLuca U.S. Pat. No. 4,835,777 in view of George, U.S. Pat. No. 4,495,623

Claims 5-21 and 23-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca in view of George. Applicants respectfully traverse.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference to combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references combined) must teach or suggest all the claim recitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not based on Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP 706.02(j).

With respect to all of the rejected claims, Applicants assert that the combination is improper because the Final Office Action fails to establish where the prior art suggests the combination of DeLuca and George. The Final Office Action merely recites that it would have been obvious to make the combination. Accordingly, Applicants respectfully assert that the combination is improper.

With respect to Applicants' claims 5-21 and 30-34, even if the combination of DeLuca and George were considered proper, that combination fails to, *inter alia*, teach or suggest all the claim recitations, i.e., the recitation of receiving an information transmission containing processor instructions and a program, programming said receiver station to perform a predetermined error correction routine in accordance with the processor instructions, and then executing the processor instructions received. Neither DeLuca or George send processor instruction that instruct the receiver station

how to perform an error correction routine. In DeLuca and George, the error correction routines that are performed are stored at the receiver and therefore, there is no need to transmit those routines with the program that is to be received.

With respect to claim 23, DeLuca fails to disclose receiving an information transmission with a portion of processor instructions, generating the remainder of the processor instructions, and transmitting the information transmission with the processor instructions.

With respect to claims 24, even if the combination were proper, DeLuca does not disclose receiving an instruct signal which effects a transmission station or a receiver station to generate a program, receiving a control signal as recited, or transmitting the instruct and control signals. Nowhere does DeLuca teach or suggest receiving anything other than an information transmission comprising a paging message, and fails to teach or suggest receiving an instruct signal which effects one of a transmission station and a receiver station to generate a program, receiving a transmitter control signal which operates at said transmitter station to communicate said program to a transmitter and transmitting the instruct signal and the control signal.

The Final Office Action cites to pages in DeLuca that Applicants assert do not support the assertion that DeLuca shows those features. Those pages merely disclose that DeLuca receives pager messages using parity bits. Nothing in that information sent by DeLuca effects the generation of a program or to transmit a program. George does not cure the deficiencies of DeLuca.

With respect to claim 27, DeLuca and George fail to disclose receiving computer programming that programs the receiver station, as recited in the claims. DeLuca and George also fail to disclose performing a primary error correction routine by processing at least a portion of the computer programming, discerning a failure ... by reprocessing the computer programming or executing the secondary error correction routine in accordance with the received computer programming.

With respect to claim 28, the combination of DeLuca and George, even if proper, fails to disclose the step of selecting a secondary error detection routine from a plurality. The Final Office Action does not include a statement as to where within either DeLuca or George selecting from a plurality of secondary error detection routines is disclosed. Further, neither DeLuca or George disclose or suggest storage of a plurality of secondary error detection routines. The pages cited in the Final Office Action relative to secondary error detection in DeLuca do not disclose storage of a plurality of such routines that are selected. Instead, DeLuca has a set routine that is executed. Accordingly, George does not disclose the step of selecting from the plurality.

With respect to claim 29, DeLuca and George fail to disclose receiving information transmission containing a program or discerning a failure evidencing an incompleteness of the program.

With respect to claims 30-34, DeLuca and George additionally fail to disclose discerning a failure evidencing one of an incomplete and an incorrect program.

Applicants respectfully request that the 35 U.S.C. §103(a) rejection of claims 5-21 and 23-34 be withdrawn.

F. Response to Objection To the Drawings

The Final Office Action objects to the drawings as allegedly failing to show every feature in the claims. Applicants respectfully traverse this objection. Each of claims 5-34 recite physical structure that is shown in the drawings. The Final Office Action appears to be objecting to the lack of any block diagrams relating to the method steps recited. Applicants believe that such drawings are not necessary to the understanding of the invention and therefore, are not required by 37 C.F.R. § 1.83. Accordingly, Applicants respectfully traverse this objection.

G. Allowability of Claim 22

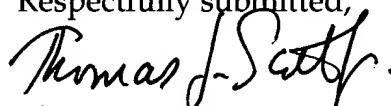
Applicants respectfully assert that claim 22 is allowable because the rejection under 35 U.S.C. § 112 has been overcome. Because claim 22 has not been rejected under any other basis, Applicants believe at least this claim to be in condition for allowance.

III. CONCLUSION

In accordance with the foregoing it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art, taken in any proper combination. Thus, there being no further outstanding objections or rejections, the application is submitted as being in a condition for allowance, which action is earnestly solicited.

If Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by Examiner contacting the undersigned attorney for telephone interview to discuss resolution of such informalities.

Date: March 2, 1998
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APPENDIX A

The following foreign reference has been cited by Applicants in the Information disclosure Statements filed 12-8-95, 12-22-95, 2-6-96, 4-17-96 and 4-7-97. Applicants have further included the following relevancy statement as well as an English abstract (in the case of foreign patents), thus meeting the requirements as set forth in 37 CFR 1.98 and MPEP § 609.

For the Information Disclosure Statement filed 12-22-95:

23 38 330 February 13, 1975 Germany

This reference discloses television receivers that transmit control signals to a decoder/processor combination.

For the Information Disclosure Statement filed 2-6-96:

61-050470 March 12, 1986 Japan

This reference discloses a program engagement device that displays the program content at a television receiver and includes a display output control device.

60-61935 April 9, 1985 Japan

This reference discloses a system that generates, detects, communicates, and/or converts digital signals.

For the Information Disclosure Statement filed 4-17-96:

2 058 681 June 15, 1972 Germany

This reference discloses a television mode arrangement for transmitting, receiving, and presenting coded information.

For the Information Disclosure Statement filed 4-7-97:

0 020 242 December 10, 1980 European

This reference discloses a teletext character alignment process.

0 046 108 February 17, 1982 European

This reference discloses a integrated circuit interface between a television receiver and recorder.

0 049 184 April 7, 1982 European

This reference discloses a pocket teaching aid using a television receiver with a teletext system.

0 055 167 June 30, 1982 European

This reference discloses a teletext CRT display for messages from a composite memory.

0 077 712 April 27, 1983 European

This reference discloses a multi-channel digital packet television broadcasting system.

0 078 185 May 4, 1983 European

This reference discloses a digital packet broadcasting system using television transmissions.

2 496 376 June 18, 1982 France

This reference discloses a teletext display of data on the television screen.

2 516 733 May 5, 1983 France

This reference discloses an error controller for a teletext television decoder.

2 823 175 November 29, 1989 Germany

This reference discloses a teletext information display for television transmission.

24 53 441 May 13, 1976 Germany

This reference discloses a wideband signal transmission with digital to image signal conversion.

DE 30339949 May 6, 1982 Germany

This reference discloses a method for the generation of teletext display having a color character contrast.

DE 3112249 October 7, 1982 Germany

This reference discloses a processing signals from either a colored television receiver or from a video text decoder.

DE 3020787 December 17, 1981 Germany

This reference discloses a television transmission system that sends extra data during a blanking period.

WO 80/00292 February 21, 1980 Japan

This reference discloses a decoder for a television receiver that has a color component that splits signals and recombines the signals into a composite drive current signal.

WO 83/00789 March 3, 1983 Japan

This reference discloses an image display unit which displays received image signals via a memory, wherein the image signals include teletext displays of weather reports or television programs.

Graf, P.H., "Antiope-Uebertragung fuer Breitbandige Videotex-Verteildienste," 1981.

This reference shows an Antiope demodulator/detector.

Heller, Arthur, "VPS - Ein Neues System Zuragsgesteuerten Programmanfzeichnung, Rundfunk technisde Mitteilungen, pp. 162-169.

This reference discloses a decoding system for use with a VCR.

Marti, B et al., Discrete, service de television cryptee, Revue de radiodiffusion - television (1975), pp. 24-30.

This reference discloses an analog decryption system.

Strauch, D., "(Las Media De Telecommunication Devant la Rapture. Les Nonvellas Methodes Presentees a L'Eposition International 1979 de Radio (Et Television)) 1979.

This reference is a discussion of videotext, teletext, ceefax, oracle, and antiope.

APPENDIX B

INFORMATION DISCLOSURE STATEMENT BY APPLICANT CITATION FORM	Attorney Docket No.	Serial No.
	05634.0234	08/459,788
	Applicant(s) John C. Harvey and James W. Cuddihy	
	Filing Date June 2, 1995	Group Art Unit 2744

UNITED STATES PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS/ SUBCLASS	FILING DATE*
	Re 27,810	November 20, 1973	Buehrle	325/321	
	2,418,127	April 1, 1947	Labin	178/44	
	2,563,448	August 7, 1951	Aram	178/5.1	
	3,071,649	January 1, 1963	Goodall	179/1.5	
	3,107,274	October 15, 1963	Roschke	178/5.1	
	3,133,986	May 19, 1964	Morris et al.	178/5.1	
	3,251,051	May 10, 1966	Harries	340/345	
	3,470,309	September 30, 1969	Nyberg	178/5.1	
	3,478,166	November 11, 1969	Reiter et al.	178/5.1	
	3,526,843	September 1, 1970	Sanville	329/104	
	3,546,684	December 8, 1970	Maxwell et al.	340/172.5	
	3,639,686	February 1, 1972	Walker et al.	178/5.8R	
	3,649,749	March 14, 1972	Gibson	178/5.6	
	3,651,261	March 21, 1972	Guanella	178/22	
	3,666,888	May 30, 1972	Sekimoto	178/69.5 TV	
	3,723,637	March 27, 1973	Fujio et al.	178/5.2R	
	3,746,799	July 17, 1973	Gentges	178/22	
	3,755,624	August 28, 1973	Sekimoto	178/69.5 TV	
	3,769,579	October 30, 1973	Harney	325/31	
	3,773,979	November 20, 1973	Kirk, Jr. et al.	179/15 FD	
	3,777,053	December 4, 1973	Wittig et al.	178/5.1	
	3,789,131	January 29, 1974	Harney	178/5.1	
	3,794,922	February 26, 1974	Osborn et al.	325/53	
	3,795,763	March 5, 1974	Golding et al.	178/5.6	
	3,813,482	May 28, 1974	Blonder	178/5.1	
	3,826,863	July 30, 1974	Johnson	178/5.1	
	3,859,596	January 7, 1975	Jannery et. al.	325/31	
	3,882,289	May 6, 1975	Walding et al.	200/11 D	
	3,885,089	May 20, 1975	Callais et al.	178/5.1	
	3,889,054	June 10, 1975	Nagel et al.	178/6.8	
	3,894,177	July 8, 1975	Howell et al.	178/5.6	

	3,896,262	July 22, 1975	Hudspeth et al.	178/5.1	
	3,896,266	July 22, 1975	Waterbury	179/1 SB	
	3,916,091	October 28, 1975	Kirk, Jr. et al.	178/5.1	
	3,924,059	December 2, 1975	Horowitz	178/5.1	
	3,950,618	April 13, 1976	Bloisi	179/2 AS	
	3,958,081	May 18, 1976	Ehram et al.	178/22	
	3,975,585	August 17, 1976	Kirk, Jr. et al.	178/5.1	
	3,990,012	November 2, 1976	Karnes	325/308	
	3,996,586	December 7, 1976	Dillon et al.	340/347 DD	
	4,004,085	January 18, 1977	Makino et al.	340/324	
	4,008,369	February 15, 1977	Theurer et al.	358/84	
	4,013,875	March 22, 1977	McGlynn	235/150.2	
	4,015,286	March 29, 1977	Russell	358/13	
	4,019,201	April 19, 1977	Hartung et al.	358/124	
	4,020,419	April 26, 1977	Caspari et al.	325/421	
	4,024,574	May 17, 1977	Nieson	358/117	
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	4,027,267	May 31, 1977	Larsen	329/106	
	4,027,331	May 31, 1977	Nicol	358/135	
	4,042,958	August 16, 1977	Saylor et al.	358/141	
	4,044,376	August 23, 1977	Porter	358/84	
	4,045,814	August 30, 1977	Hartung et al.	358/124	
	4,054,911	October 18, 1977	Fletcher et al.	358/141	
	4,064,490	December 20, 1977	Nagel	364/2000	
	4,070,693	January 24, 1978	Shutterly	358/123	
	4,075,660	February 21, 1978	Horowitz	358/124	
	4,079,419	March 14, 1978	Seigle et al.	358/193	
	4,081,754	March 28, 1978	Jackson	325/396	
	4,081,832	March 28, 1978	Sherman	358/124	
	4,086,434	April 25, 1978	Bocchi	79/2 AM	
	4,088,958	May 9, 1978	Suzuki et al.	325/396	
	4,091,417	May 23, 1978	Nieson	358/117	
	4,095,258	June 13, 1978	Sperber	358/120	
	4,096,542	June 20, 1978	Pappas et al.	361/196	
	4,104,681	August 1, 1978	Saylor et al.	358/141	
	4,107,734	August 15, 1978	Percy et al.	358/84	
	4,107,735	August 15, 1978	Frobach	358/84	
	4,112,317	September 5, 1978	Everswick	307/308	
	4,112,383	September 5, 1978	Burgert	329/50	
	4,114,841	September 19, 1978	Muhlfelder et al.	244/166	
	4,120,003	October 10, 1978	Mitchell et al.	358/142	
	4,124,887	November 7, 1978	Johnson et al.	364/107	
	4,126,762	November 21, 1978	Martin et al.	179/2A	
	4,135,213	January 16, 1979	Wintfeld et al.	358/142	
	4,142,156	February 27, 1979	Freund	325/309	
	4,145,717	March 20, 1979	Guif et al.	358/121	
	4,148,066	April 3, 1979	Saylor	358/127	

	4,156,253	May 22, 1979	Steudel	358/11	
	4,156,931	May 29, 1979	Adelman et al.	364/900	
	4,163,252	July 31, 1979	Mistry et al.	358/118	
	4,180,709	December 25, 1979	Cosgrove et al.	179/2 AM	
	4,199,656	April 22, 1980	Saylor	178/66.1	
	4,199,781	April 22, 1980	Doumit	358/83	
	4,199,809	April 22, 1980	Pasahow et al.	364/200	
	4,207,524	June 10, 1980	Purchase	375/22	
	4,214,273	July 22, 1980	Brown	358/188	
	4,215,366	November 13, 1984	Davidson	358/124	
	4,216,497	August 5, 1980	Ishman et al.	358/84	
	4,222,068	September 9, 1980	Thompson	358/120	
	4,225,884	September 30, 1980	Block et al.	358/122	
	4,245,246	January 13, 1981	Cheung	358/124	
	4,246,611	January 20, 1981	Davies	358/194	
	4,247,947	January 27, 1981	Miyamoto	455/38	
	4,250,521	February 10, 1981	Wright	358/8	
	4,258,386	March 24, 1981	Cheung	358/84	
	4,266,243	May 5, 1981	Shutterly	358/121	
	4,272,784	June 9, 1981	Saito et al.	358/127	
	4,273,962	June 16, 1981	Wolfe	179/7.1R	
	4,292,650	September 29, 1981	Hendrickson	358/123	
	4,295,155	October 13, 1981	Jarger et al.	358/12	
	4,301,542	November 17, 1981	Weintraub et al.	455/353	
	4,305,101	December 8, 1991	Yarbrough et al.	360/69	
	4,310,854	January 12, 1982	Baer et al.	358/143	
	4,316,217	February 16, 1982	Rifken	358/86	
	4,318,047	March 2, 1982	Dawson	328/112	
	4,323,921	April 6, 1982	Guillou	358/114	
	4,323,922	April 6, 1982	den Toonder et al.	358/117	
	4,329,711	May 11, 1982	Cheung	358/114	
	4,335,426	June 15, 1982	Maxwell et al.	364/200	
	4,340,906	July 20, 1982	den Toonder et al.	358/124	
	4,341,925	July 27, 1982	Doland	178/22.17	
	4,343,042	August 3, 1982	Schrock et al.	455/5	
	4,348,696	September 7, 1982	Beier	358/188	
	4,354,201	October 12, 1982	Sechet et al.	358/122	
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	4,382,256	May 5, 1983	Nagata	340/825.44	
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	4,390,901	June 28, 1983	Keiser et al.	358/147	
	4,392,135	July 5, 1983	Ohyagi	340/825.44	
	4,393,277	July 12, 1983	Besen et al.	179/2 A	
	4,408,345	October 4, 1983	Yashiro et al.	455/3	
	4,411,017	October 18, 1983	Talbot	455/26	
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	4,427,968	January 24, 1984	York	340/310	
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	4,439,785	March 27, 1984	Leonard	358/120	
	4,450,481	May 22, 1984	Dickinson	358/114	
	4,450,531	May 22, 1984	Kenyon et al.	364/604	
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	4,468,701	August 28, 1984	Burcher et al.	358/181	
	4,471,352	September 11, 1984	Soulliard et al.	340/825.44	
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	4,489,220	December 18, 1984	Oliver	179/2 AM	
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	4,528,589	July 9, 1985	Block et al.	358/122	
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	4,543,616	September 24, 1985	Brooks	358/335	
	4,547,804	October 15, 1985	Greenberg	358/142	
	4,554,584	November 19, 1985	Elam et al.	358/165	
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	4,578,718	March 25, 1986	Parker et al.	360/10.3	
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	4,611,227	September 9, 1986	Brockhurst et al.	358/147	
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	4,646,145	February 24, 1987	Percy et al.	358/84	
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation not in conformance and not considered. Include copy of this form with next communication to applicant(s).	